

Amendment under 37 C.F.R. §1.111
Attorney Docket No. 030984
Serial No.10/645,594

REMARKS

Claims 1-2 and 4-10 are pending. Claims 4-5, 6/4 and 7-10 have been withdrawn from consideration. Claim 3 has been cancelled herein. Claims 1 and 2 have been amended herein. The amendments are based on original claim 3.

Applicants' Response to the Objection to the Specification

The specification stands objected to for specifically referring to claims by number. In response thereto, applicants have amended the specification to remove reference to specific claim numbers. Applicants submit that no new matter has been added. In light of the amendments, applicants respectfully request favourable reconsideration.

Applicants' Response to the Claim Rejections under 35 U.S.C. §102(e)

Claims 1-2 stand rejected under 35 U.S.C. 102(e) as being anticipated by **Pichler *et al.*** (U.S. Patent 6,949,389, hereafter '389). Applicants have amended claims 1 and 2 to include the dependent limitation of claim 3. Wherefore, applicants respectfully submit that in light of the amendment the rejection has been overcome.

Claims 1-3 stand rejected under 35 U.S.C. 102(e) as being anticipated by **Pichler *et al.*** (U.S. Patent 6,911,667, hereafter '667). As noted above, applicants have included the limitation of claim 3 into independent claims 1 and 2. Applicants note that the '667 is a continuation-in-part of the same application as the '389. Hence, added disclosure which the Office Action relies on for the rejection of claim 3 was not present in the application until the continuation-in-part was filed on November 20, 2002. In response thereto, Applicants submit that the applications claim of priority to Japanese Application 2002-254613 predates the filing of the continuation-in-part of '667. In response to the rejection, applicants have filed herewith a verified translation of

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Japan Application 2002-254613. Wherefore, applicants respectfully submit that the '667 patent is removed as a reference.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103(a)

Claim 3 stands rejected under U.S.C. 103(a) as being unpatentable over **Pichler** '389 in view of **Weaver** (U.S. Patent 6,664,137, hereafter '137). The Office Action relies on the disclosures in '137 of a multilayer barrier region 120 which is formed on the substrate 110 for the additional limitations of claim 3. Specifically, the multiple barrier layers 121a-c and 122a-c are formed so that each layer is larger then the last so as to reach the substrate. However, this barrier region 120 does not encapsulate the OLED 140. The OLED 140 is formed on the surface of the barrier region 120. The OLED 140 is then encapsulated by a metal can 150. See Col. 5, lines 7-12.

In order for a *prima facie* case of obviousness under §103(a) to be demonstrated, a motivation to combine the references must be submitted. In the present instance, there must be a showing of motivation to utilize multiple extending layers to encapsulate the OLED 302 of '389 by the method of changing the distance of the mask several times. Applicants respectfully submit that there is no such motivation. Specifically, '137 does not teach encapsulating the OLED 140 with multiple extending layers, but of forming the OLED 140 over a multiple layer barrier region 120. Hence, there is no teaching or suggestion to form successive layers over the OLED or other electronic device in the prior art. In short, '137 does not teach the limitation the Office Action submits it covers. In order to do so, '137 would need to demonstrate the multiple barrier layers 121a-c and 122a-c encapsulating the electronic device 140 and reaching the substrate.

Original claims 1 and 2 of the present application both require the protective films when formed be formed “onto said substrate and the electronic component...” The limitations of original claim 3, now included in amended claims 1 and 2, further requires that the additional protective films also cover both the precious protection films and therefore also the electronic component. The combination of ‘389 and ‘137 do not teach this limitation of claim 3. Wherefore, applicants respectfully traverse and request favourable reconsideration in light of the amendments to claims 1 and 2 and the above remarks.

Claim 6/2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Pichler** ‘389 in view of **Antoniadis et al.** (US Patent 5,902,688, hereafter ‘688), and over **Pichler** ‘667 in view of **Antoniadis** ‘688 for substantially the same reasons. The Office Action relies on the disclosures of ‘389 and ‘667 as discussed above. Specifically, the Office Action maintains that it would be obvious to utilize the multiple crucible/shutter system set forth in ‘688 with the distance adjusting mask of ‘389 and ‘667.

References may not be properly combined if one or both of the references teaches away from the combination. Applicants respectfully submit that ‘688 teaches away from using a method wherein the distance of the mask is adjusted. Particularly, the process the Office Action relies on in ‘688 is limited to a single-vacuum procedure. Col. 9, lines 1-2. The prefabricated assembly 139 (i.e. substrate with electronic devices) has the deposition frame 141 (i.e. mask) “clamped onto it.” The prefabricated assembly 139 with the frame 141 clamped onto it is mounted in a vacuum chamber 163 for multiple deposition processing in a single vacuum. Col. 9, lines 15-18.

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The process as taught by '688 does not allow for changes in the distances of the frame 141 (mask). The disclosure in '389 does not provide any details as to how to accomplish adjusting the mask. Hence, one of skill in the art would not derive from the teachings of '389 in combination with '688 a process by which a mask distance to the substrate is adjusted. '688 teaches that the mask is fixed to the assembly and the vacuum chamber is sealed. One of skill in the art would not have a reasonable expectation of success in contradicting the teachings of '688 by removing the frame 141 from the assembly to adjust deposition patterns. Under U.S. patent law a proper case for obviousness requires more than "obvious to try" there must be a reasonable expectation of success. Based on the above, applicants respectfully traverse, and request favourable reconsideration in light of the amendments to claims 1 and 2 and the remarks.


In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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Enclosure: Japanese Application 2002-254613 (Verified English Translation)